IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.3175 OF 2005
IN
FIRST APPEAL NO.224 OF 2003

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Ms Mandira Moitra with Mr.Jayesh Dande
and Mr.Amogh Parlikar for the Applicants
Ms Vinita V. Bakre-Shastry for Respondent

CORAM: A.S.OKA, J.
DATED: MARCH 2, 2006.

P.C.:

1. Appeal is already admitted for final hearing. The challenge in the Appeal is to the money decree. There cannot be stay of execution of money decree unless the Applicants/Appellants deposit the entire amount due and payable under the Decree including the interest and costs. Office noting shows that out of amount payable under the Decree, a sum of Rs.1,95,460/- has been deposited by the Applicants/Appellants in this Court on 5th February 2004. Now, the Applicant will have to deposit the balance amount in this Court.

2. There will be interim relief in terms of prayer clause (a) subject to the condition that the Applicants will deposit the entire amount due and payable under the Decree inclusive of interest and costs awarded in this Court within a period of eight weeks from today. The Applicants/Appellants will be entitled to adjustment of sum of Rs.1,95,460/- already deposited in this Court. If the entire amount as directed by this order is not deposited within stipulated period, stay granted will stand vacated automatically.

3. As the sum of Rs.1,95,460/- is already invested in Fixed Deposit for a period of one year, the Respondent-Bank will be entitled to withdraw the said amount after maturity of the Fixed Deposit together with interest accrued thereon subject to giving undertaking to this Court that in the event the Applicants/Appellants succeed in the First Appeal, the Respondent-Bank will refund the entire amount to the Applicants/Appellants with appropriate amount of interest as directed by this Court. In case the balance amount

is deposited by the Applicants/Appellants in this Court, the Respondent-Bank will be permitted to withdraw the said amount subject to giving undertaking as aforesaid.

3. Civil Application is disposed of in above terms.

Judge.